

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and bottle) "Remedy for Rheumatism, and, when arising from a rheumatic condition, Neuralgia, Sciatica, Lumbago, Gout, Sick Headache," (circular) "This remedy goes to the root of the disease. It operates on the blood, muscles, and joints. It expels the uric acid from the system; it invigorates the action of the muscles and limbers the stiffness of the joints. It reaches the Kidneys, cleansing them from uric acid. * * * The size of the dose and the manner of taking Athlophoros is governed by the character and intensity of the disease and the patient. * * * Diet—In Cases of Acute Rheumatism, * * * Persons afflicted with Chronic Rheumatism or Gout, who wish permanent relief, should send to us for our Dietary, * * * For Acute or Inflammatory Rheumatism and Sciatica—Take two teaspoonfuls of Athlophoros * * * After the acute symptoms have disappeared, continue the use of Athlophoros for at least two weeks, * * * For Chronic Rheumatism—Where acute pain is not present, * * * until the symptoms disappear. For Neuralgia—When suffering intense pain, two teaspoonfuls * * * until relieved; * * * For Muscular Rheumatism and Lumbago * * * For Acute Inflammation of the Joints * * * For Chronic Rheumatism of the Joints * * * For Rheumatic Gout * * * For Rheumatism of the Heart (so called) * * * To Mothers—Athlophoros may be used during nursing. During Pregnancy reduce dose as follows: * * * Chronic and Complicated Cases—From the time Athlophoros was first offered to the public, we have solicited, from those who have used it, frank statements of their experience with the remedy; and we have received many thousand letters bearing grateful testimony to its wonderful curative powers."

On March 18, 1931, no answer or pleading having been filed by the claimant, the Athlophoros Co., Pomfret Center, Conn., judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18096. Supplement to notice of judgment No. 17850. U. S. v. 91 Bottles of Bering Ear Oil. (F. & D. No. 25068. I. S. No. 7576. S. No. 3342.)

The above-identified notice of judgment involved a quantity of Bering ear oil which had been shipped in interstate commerce and seized under libel proceedings in the Northern District of Illinois, and which had been adjudged misbranded in violation of the food and drugs act, and condemned and ordered destroyed by the Federal District Court.

As the result of an error in reporting the violation to the United States attorney, the libel filed in the case alleged that the product had been shipped by Henry Heide & Sons, from St. Paul, Minn., whereas the shipper of the product was Heide & Sons, St. Paul, Minn.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18097. Adulteration and misbranding of Pyrodento. U. S. v. 4 Large and 14 Medium-Sized Bottles of Pyrodento. Default decree of condemnation and destruction. (F. & D. No. 25321. I. S. No. 9307. S. No. 3582.)

Bacteriological examination of the product herein described having shown that it was not antiseptic, as represented, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On November 15, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 large and 14 medium-sized bottles of Pyrodento, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Pyrodento Co., Baltimore, Md., on or about September 23, 1930, and had been transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of saccharin, benzoic acid, volatile oils including thymol, menthol, cassia oil and clove oil, alcohol, and water. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements appearing on the carton and bottle labels, (carton) "A liquid antiseptic," (bottle) "A liquid antiseptic * * * As an antiseptic the liquid should be used full strength," were false and misleading.

On March 23, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18098. Misbranding of Mykel corrective dentifrice. U. S. v. 52 Bottles of Mykel Corrective Dentifrice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25483. I. S. No. 11963. S. No. 3722.)

Examination of a sample of a drug product, known as Mykel corrective dentifrice, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On December 16, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 52 bottles of Mykel corrective dentifrice, remaining in the original bottles at Denver, Colo., consigned by the Kent Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., on or about September 6, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium perborate and talc, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Corrective Dentifrice * * * keeps gums healthy—Unexcelled for Pyorrhetic * * * Infections."

On March 17, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18099. Misbranding of Tanlac rheumatism treatment. U. S. v. One Dozen Packages of Tanlac Rheumatism Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25553, I. S. No. 11975. S. No. 3786.)

Examination of a drug product, known as Tanlac rheumatism treatment, showed that it consisted of a liniment and tablets, that the liniment contained less alcohol than declared on the label, and that the carton, bottle label of the liniment, the label of the box containing the tablets, and the accompanying circular bore statements representing that the preparation possessed certain curative and therapeutic properties which it did not.

On December 29, 1930, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one dozen packages of the said Tanlac rheumatism treatment, remaining in the original unbroken packages at Denver, Colo., consigned by the International Proprietaries (Inc.), Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, on or about January 2, 1930, and had been transported from the State of Ohio into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of a liniment and tablets. The liniment contained alcohol (45 per cent), chloroform, volatile oils including methyl salicylate, camphor, eucalyptus oil, mustard oil, soap, and water. The tablets contained acetylsalicylic acid (4.2 grains each), and extracts of plant drugs including a resin.